SINGLE BENCH

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 3552/2005

PETITIONER

Ramesh Gupta, S/o. Shri Sukhu Gupta, Aged about 58 years, R/o. Station Road Raipur (C.G.)

VERSUS

RESPONDENT

1 State of Chhattisgarh, Through the Secretary, Transport Department, D.K.S. Bhawan, Raipur (C.G.)

2. Regional Transport Authority, Chhattisgarh, Raipur (C.G.)

3. Mahboob Khan, R/o. Ramaniya Chowk, Raipur (C.G.)

4. Sanjay Kumar Ravate, S/o. Shri G.K. Ravate, R/o. Near House of Vishram Singh, Hanuman Nagar, Ward No.16, Durg (C.G.)

P.R. No. 3647/05
Presented by Shri A.R. Shivpuri
(Advocate) 29/12/05

शपथ आयुक्त
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(37)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

**मामला क्रमांक** W.P.3552/ **सन्** 2005

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | **5-8-2005**<br>Mr. B.K. Rawat, counsel for the petitioner.<br>Mr. Yashwant Singh Thakur, Govt. Advocate for the State/respondents No.1 & 2.<br>Mr. Ajay Shrivastava, counsel for respondent No.4.<br>Heard.<br>By this writ petition under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing the Regional Transport Authority, Raipur to initiate action under Section 86 of the Motor Vehicles Act, for cancellation of stage carriage permit No.7/97.<br>The case of the petitioner is that he was granted stage carriage permit No.PSTB 34/95, which was valid upto 8-12-2000. On expiry of permit, the petitioner applied for renewal, but the same was rejected by the Regional Transport Authority, Raipur vide order dated 23-4-2001. Thereafter, the petitioner filed W.P.No.1130/2001 and this Court passed an order directing the RTA not to issue permit against the said petitioner's permit. During the pendency of that writ petition, a fraud has been played by or in the name of another permit holder namely, Mahboob Khan who is holding permit No.7/97. An application jointly in the name of the petitioner and Mahboob Khan was moved before the RTA for inter-change of timings of the regular permits. Accordingly, that application was allowed on 19-5-2005 and thereafter, concealing the order of this Court, regular permit has also been granted to respondent No.4 without giving any notice or intimation to the petitioner.<br>Mr. B.K. Rawat, learned counsel for the petitioner submitted that by playing fraud with the RTA, timing of respondent No.3 has been changed, and thereafter, a new permit has been granted to respondent No.4. Therefore, the instant petition has been filed for taking suitable action under Section 86 of the | |

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

**मामला क्रमांक** W.P.3552/ **सन्** **200** 5

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

Motor Vehicles Act for cancellation of stage carriage permit No.7/97, and also to cancel the permit of respondent No.4.

The petitioner has approached this Court directly without bringing above facts to the notice of the RTA. He ought to have brought these facts to the notice of the RTA and if the RTA is not taking any action, then he ought to have approached this Court.

In the circumstances, the petitioner to first approach the RTA bringing all these facts to the notice of the RTA and the RTA to proceed, in accordance with law. Even thereafter, if the petitioner is not satisfied, he can approach this Court.

With the observations aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.2989/2005 and I.A.No.6698/2005 also stand disposed of.

**Sd/-**
**L.C. Bhadoo**
**Judge**

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(पीछे देखिये)

9.8.05